S.B. CIVIL WRIT PETITION NO.4069/2002

Pankaj Agarwal vs. State of Raj. and another.

Date : 4.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. M.S. Singhvi, for the petitioner.

Mr. Shyam Ladrecha, Addl.GA, for respondents.

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Heard learned counsel for the parties.

Brief facts of the case are that the petitioner appeared in Rajasthan Pre-Medical Test (RPMT) for the year 2002. A notice was issued by the respondent no.2 calling upon the students who secured 742 to 708 marks to appear for counseling on 24.9.2002. According to the petitioner, because of heading in bold letters given in the newspaper some confusion was created and due to that reason, the petitioner could not appear for counseling on 24.9.2002. When the petitioner came to know that the students who have secured marks from 648 to 707 have been called for counseling on 24.9.2002, he submitted a representation on 4.10.2002 for considering his candidature for counseling which was going to be held on 4.10.2002. The respondent no.2 declined to consider the case of the petitioner on the ground that he did not appear in the counseling on 25.9.2002. The process of counseling continued even thereafter and a notice was issued for counseling on 9.10.2002.

According to the petitioner, the petitioner is meritorious and he was eligible for admission on the basis of his marks which he secured in RPMT. The petitioner submits that while the process of counseling was going on, the petitioner could not appear in the counseling because of the confusion created by the notice published by the respondent no.2 and which was issued and published in the newspaper. Therefore, the petitioner should not have been denied admission merely on the ground that the petitioner failed to appear for counseling on one occasion despite the fact that before completion of counseling for all candidates, he submitted a representation.

This Court while issuing notice to the respondents on 11.10.2002, passed an interim order that the petitioner may be provisionally counseled as per his merit. In pursuance of this interim order, the petitioner was counseled and found eligible for admission to B.D.S. Course. The petitioner also submits that he has been given admission after the counseling and he is pursuing his course.

In view of the above, it is clear that the petitioner is a meritorious student, he was given admission after completing all the formalities and after judging his merit for the course. Now it is too late to deny any relief to the petitioner on the ground that he did not appear for counseling on one occasion only and it is not the case of the respondents also that to accommodate the petitioner, another candidate was denied admission. Apart from it, it

is clear that the petitioner has merit high r than the other students to whom admission has not been given.

In view of the above discussion, this writ petition is allowed. Since the petitioner has already been counseled and got admission in the B.D.S. Course, therefore, now the petitioner's admission shall be treated as regular admission.

(PRAKASH TATIA), J.

S.Phophaliya